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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,280	04/10/2000	Bogdan Z. Kasztenny	6202-0118	2510

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EXAMINER

WACHSMAN, HAL D

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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10

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Commissioner for Patents

Hal D Wachsman
Primary Examiner
Art Unit: 2857

Office Action Summary

Application No.

09/546,280

Applicant(s)

KASZTENNY ET AL.

Examiner

Hal D Wachsman

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-17 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. The additional drawing Figure 8 has been approved.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-4 are rejected under 35 U.S.C. 102(a) as being anticipated by the Applicant's Admissions of the prior art.

As per claim 1, the Applicant's Admissions of the prior art (page 2 lines 11-13, 19-21 of the specification) disclose the measuring step. The Applicant's Admissions of the prior art (page 2 lines 22-25, page 3 lines 6-8 of the specification) disclose the first receiving step. The Applicant's Admissions of the prior art (page 1 lines 3-6, page 2 lines 19-25 of the specification) disclose the calculating step. The Applicant's Admissions of the prior art (page 1 lines 19-21, page 2 lines 1, 2 of the specification) disclose the second receiving step. The Applicant's Admissions of the prior art (page 1 lines 19-23, page 2 lines 1, 2 of the specification) disclose the determining step.

As per claim 2, the Applicant's Admissions of the prior art (page 2 lines 1, 2, 11-17, 22-25 of the specification) disclose the feature of this claim.

As per claim 3, the Applicant's Admissions of the prior art (page 1 lines 19-21, page 2 lines 1-4, 11-15 of the specification) disclose the feature of this claim.

As per claim 4, the Applicant's Admissions of the prior art (page 1 lines 2, 3, 19-23, page 2 lines 1-10 of the specification) disclose the feature of this claim.

4. Claims 10-17 are allowed subject to the appropriate correction of the 37 C.F.R. 1.75(a) objections noted in paragraph 4 above.

Claims 5-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and subject to the appropriate correction of the 37 C.F.R. 1.75(a) objections noted in paragraph 4 above.

Claims 10-17 are allowable over the prior art because the prior art does not disclose or suggest subtracting zero sequence currents from local and remote current measurements to generate modified current measurements which are used in the calculation of modified differential currents and modified restraining currents with an outputting of a second of two protective control signals based on the modified differential currents and the modified restraining currents.

Claims 5 and 6 are allowable over the prior art because the prior art does not disclose or suggest at least one distance protection element that determines an apparent impedance from one or more local currents and voltages but does not determine the apparent impedance for faults occurring in a busbar of a tapped transformer connected to a tapped line.

Claims 7-9 are allowable over the prior art because the prior art does not disclose or suggest determining, for an external ground fault, one or more zero sequence currents and subtracting the one or more zero sequence currents from one or more local currents which have been measured by a first protection element, prior to calculating one or more differential currents.

5. Applicant's arguments filed 10-30-03 have been fully considered but they are not persuasive. The Applicant argues on page 12 of the response that "It is respectfully submitted that such combination of known techniques, without any motivation to combine, is unsupportable. Further, the Office Action does not appear to even acknowledge that "different" known techniques in the present application are clearly being combined so as to allegedly teach the claimed invention of claim 1". However, the Examiner respectfully notes that motivation to combine the teachings for example of two different references is something that must be considered in a rejection under 35 U.S.C. 103 but the rejections that were made were under 35 U.S.C. 102(a) and not under 35 U.S.C. 103. Each limitation of the rejected claims has been met in the Applicant's Admissions of the prior art and the response did not refer to any basis in the MPEP or case law that would support the Applicant's assertion that providing motivation to combine features is also a requirement in rejections made under 35 U.S.C. 102.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 703-305-9788. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
January 2, 2004